



PATENT
Customer No. 22,852
Attorney Docket No. 05725.0593-00

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)
)
Nghi VAN NGUYEN et al.) Group Art Unit: 1751
)
Application No.: 09/931,912) Examiner: E. Elhilo
)
Filed: August 20, 2001) Confirmation No.: 4343
)
For: COMPOSITIONS COMPRISING)
AT LEAST ONE HYDROXIDE)
COMPOUND AND AT LEAST)
ONE REDUCING AGENT, AND)
METHODS FOR RELAXING HAIR)
)

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. § 1.97(c)

Pursuant to 37 C.F.R. §§ 1.56 and 1.97(c), Applicants bring to the attention of the Examiner the documents on the attached listing. This Information Disclosure Statement is being filed after the events recited in Section 1.97(b) but, to the undersigned's knowledge, before the mailing date of either a Final action, Quayle action, or a Notice of Allowance. Under the provisions of 37 C.F.R. § 1.97(c), this Information Disclosure Statement is accompanied by a fee of \$180.00 as specified by Section 1.17(p).

Copies of the listed documents are attached. Copies of the U.S. patents, U.S. patent publications, and co-pending applications which are available on the Image File Wrapper System are not enclosed.

The United States Court of Appeals for the Federal Circuit held in *Dayco Products, Inc. v. Total Containment, Inc.*, 329 F.3d 1358, 66 U.S.P.Q.2d 1801 (Fed. Cir. 2003), that an "adverse decision" by another examiner may meet the materiality standard under the amended Rule 56, and thus, Applicants should disclose prior rejections of "substantially similar claim[s]" to the Office. Accordingly, although Applicants are not representing that the Office Actions in the co-pending applications are material to the present application and are not admitting that any of the other claims are substantially similar, out of an abundance of caution, Applicants have listed the substantive office actions in co-pending applications on the attached form.

Applicants respectfully request that the Examiner consider the listed documents and indicate that they were considered by making appropriate notations on the attached form.

With respect to the non-English language documents, Applicants submit the following remarks:

1. **DE 20 14 628** - An abstract of the disclosure of this document can be found in the English language Derwent abstract submitted herewith. This document is believed to be related to GB 1 281 662, which is submitted herewith.
2. **DE 28 23 243** - An abstract of the disclosure of this document can be found in the English language Derwent abstract submitted herewith.
3. **DE 35 19 463** - An abstract of the disclosure of this document can be found in the English language Derwent abstract submitted herewith.

4. **DE 43 26 974** - An abstract of the disclosure of this document can be found in the English language Derwent abstract submitted herewith.
5. **EP 0 354 835** - This document is believed to be related to U.S. Patent Nos. 4,956,175, 5,015,767, and 5,106,612.
6. **EP 0 465 342** - An abstract of the disclosure of this document can be found in the English language Derwent abstract submitted herewith.
7. **EP 0 512 879** - This document is believed to be related to U.S. Patent No. 5,628,991.
8. **EP 0 636 358** - This document is believed to be related to U.S. Patent No. 5,833,966.
9. **EP 0 714 654 A1** - This document is believed to be related to U.S. Patent No. 5,637,295.
10. **EP 0 726 251 A1** - This document is believed to be related to U.S. Patent No. 5,679,332.
11. **WO 01/74318** - An English language abstract of the disclosure of this document can be found on the front of this document.
12. **WO 87/05500** - An English language abstract of the disclosure of this document can be found on the front of this document.
13. **WO 93/01791** - An English language abstract of the disclosure of this document can be found on the front of this document.

14. **International Search Report for PCT/US01/43193** - This is the Search Report for the International Application related to Attorney Docket Nos. 05725.0534-00 and 05725.0534-01.

15. **International Search Report for PCT/US02/03392** - This is the Search Report for the International Application related to Attorney Docket No. 05725.0535.

16. **International Search Report for PCT/US02/08270** - This is the Search Report for the International Application related to Attorney Docket No. 05725.0505.

17. **International Search Report for PCT/US02/21846** - This is the Search Report for the International Application related to Attorney Docket No. 05725.0798.

18. **International Search Report for PCT/US02/21848** - This is the Search Report for the International Application related to Attorney Docket No. 05725.0848.

19. **ZAHN, Helmut, "N,O-Peptidyl shift, disulfide exchange, and lanthionine formation in wool and other proteins containing cystine," Chimia (Switz.) (1961), 15, 378-94** - This document is cited in the International Search Report for PCT/US02/08270, related to 05725.0505.

This submission does not represent that a search has been made or that no better art exists and does not constitute an admission that each or all of the listed documents are material or constitute "prior art." If the Examiner applies any of the documents as prior art against any claims in the application and Applicants determine that the cited documents do not constitute "prior art" under United States law,

Applicants reserve the right to present to the Examiner the relevant facts and law regarding the appropriate status of such documents.

Applicants further reserve the right to take appropriate action to establish the patentability of the disclosed invention over the listed documents, should one or more of the documents be applied against the claims of the present application.

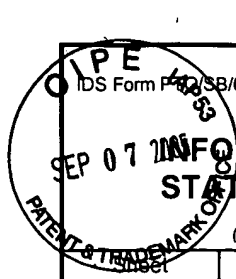
If there is any fee due in connection with the filing of this Statement, please charge the fee to our Deposit Account No. 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

Dated: September 7, 2005

By: Deborah M. Herzfeld
Deborah M. Herzfeld
Reg. No. 52,211



IDS Form P-42/5B/08: Substitute for form 1449/PPTO

**INFORMATION DISCLOSURE
STATEMENT BY APPLICANT**

(Use as many sheets as necessary)

Complete if Known

Application Number	09/931,912
Filing Date	August 20, 2001
First Named Inventor	Nghi Nguyen
Art Unit	1751
Examiner Name	E. Elhilo
Attorney Docket Number	05725.0593-00000

Sheet

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of

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U.S. PATENTS AND PUBLISHED U.S. PATENT APPLICATIONS					
Examiner Initials	Cite No.	Document Number	Issue or Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code (if known)			
	1	2,405,166	8/8/1946	Reed et al.	
	2	2,464,280	3/15/1949	Reed et al.	
	3	2,464,281	3/15/1949	Peterson	
	4	2,564,722	8/21/1951	Reed et al.	
	5	2,719,814	10/4/1955	Haefele	
	6	3,017,328	1/16/1962	Childrey, Jr. et al.	
	7	3,066,077	11/27/1962	De Mytt et al.	
	8	3,242,052	3/22/1966	Sheffner	
	9	3,243,346	3/29/1966	Bechmann et al.	
	10	3,252,866	5/24/1966	Sheffner	
	11	3,533,417	10/13/1970	Bartoszewicz et al.	
	12	3,654,936	4/11/1972	Wajaroff	
	13	3,973,574	8/10/1976	Minagawa, deceased et al.	
	14	4,139,610	2/13/1979	Miyazaki et al.	
	15	4,153,681	5/8/1979	Shiba	
	16	4,175,572	11/27/1979	Hsiung et al.	
	17	4,218,435	8/19/1980	Shiba	
	18	4,237,910	12/9/1980	Khahil et al.	
	19	4,272,517	6/9/1981	Yoneda et al.	
	20	4,303,085	12/1/1981	de la Guardia et al.	
	21	4,304,244	12/8/1981	de la Guardia	
	22	4,314,572	2/9/1982	de la Guardia et al.	
	23	4,322,401	3/30/1982	Harada	
	24	4,324,263	4/13/1982	de la Guardia	
	25	4,361,157	11/30/1982	James	
	26	4,373,540	2/15/1983	de la Guardia	
	27	4,390,033	6/28/1983	Khalil et al.	

Examiner Signature		Date Considered	
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Complete if Known

**INFORMATION DISCLOSURE
STATEMENT BY APPLICANT**

(Use as many sheets as necessary)

Sheet

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of

6

Application Number

09/931,912

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August 20, 2001

First Named Inventor

Nghi Nguyen

Art Unit

1751

Examiner Name

E. Elhilo

Attorney Docket Number

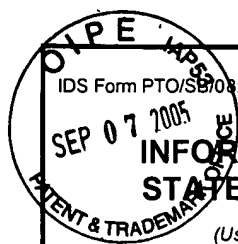
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U.S. PATENTS AND PUBLISHED U.S. PATENT APPLICATIONS

Examiner Initials	Cite No.	Document Number	Issue or Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code (if known)			
	28	4,416,296	11/22/1983	Meyers	
	29	4,424,820	1/10/1984	Cannell et al.	
	30	4,509,983	4/9/1985	Szabo et al.	
	31	4,605,018	8/12/1986	de la Guardia et al.	
	32	4,783,395	11/8/1988	Hsieh et al.	
	33	4,859,459	8/22/1989	Greiche et al.	
	34	4,895,722	1/23/1990	Abe et al.	
	35	4,898,726	2/6/1990	Beste	
	36	4,950,485	8/21/1990	Akhtar et al.	
	37	4,956,175	9/11/1990	Maignan et al.	
	38	5,015,767	5/14/1991	Maignan et al.	
	39	5,077,042	12/31/1991	Darkwa et al.	
	40	5,106,612	4/21/1992	Maignan et al.	
	41	5,223,252	6/29/1993	Kolc et al.	
	42	5,332,471	7/26/1994	Naddeo et al.	
	43	5,332,570	7/26/1994	Bergstrom et al.	
	44	5,348,737	9/20/1994	Syed et al.	
	45	5,376,364	12/27/1994	Darkwa et al.	
	46	5,523,078	6/4/1996	Baylin	
	47	5,565,216	10/15/1996	Cowsar et al.	
	48	5,591,425	1/7/1997	Dhaliwal	
	49	5,609,859	3/11/1997	Cowsar	
	50	5,628,991	5/13/1997	Samain et al.	
	51	5,637,295	6/10/1997	Lang et al.	
	52	5,641,477	6/24/1997	Syed et al.	
	53	5,679,327	10/21/1997	Darkwa et al.	
	54	5,679,332	10/21/1997	Braun et al.	
	55	5,725,848	3/10/1998	Borish et al.	

Examiner
SignatureDate
Considered

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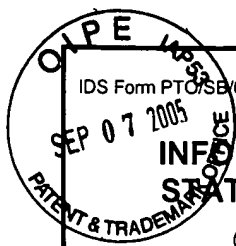
IDS Form PTO/5903: Substitute for form 1449A/PTO			Complete if Known		
INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Use as many sheets as necessary)			Application Number	09/931,912	
			Filing Date	August 20, 2001	
			First Named Inventor	Nghi Nguyen	
			Art Unit	1751	
			Examiner Name	E. Elhilo	
Sheet	3	of	6	Attorney Docket Number	05725.0593-00000

U.S. PATENTS AND PUBLISHED U.S. PATENT APPLICATIONS					
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		Number-Kind Code (if known)			
	56	5,753,215	5/19/1998	Mougin et al.	
	57	5,775,342	7/7/1998	Hohenstein et al.	
	58	5,824,295	10/20/1998	Syed et al.	
	59	5,833,966	11/10/1998	Samain	
	60	5,849,277	12/15/1998	Cowsar	
	61	5,935,558	8/10/1999	Malle	
	62	5,961,667	10/5/1999	Doehling et al.	
	63	6,287,582 B1	9/11/2001	Gott et al.	
	64	6,435,193	8/20/2002	Cannell et al.	
	65	6,782,895	8/31/2004	Van Nguyen et al.	
	66	6,792,954	9/21/2004	Cannell et al.	
	67	US-2002/0189027 A1	12/19/2002	Cannell et al.	

FOREIGN PATENT DOCUMENTS						
Examiner Initials	Cite No.	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	Translation
		Country Code Number Kind Code (if known)				
	68	DE 20 14 628	10/14/1971	Wella Aktiengesellschaft		Abstract
	69	DE 28 23 243	11/29/1979	Wella Aktiengesellschaft		Abstract
	70	DE 35 19 463 A1	12/4/1986	Wella Aktiengesellschaft		Abstract
	71	DE 43 26 974 A1	5/5/1994	Henkel KGaA		Abstract
	72	EP 0 354 835 A1	2/14/1990	L'Oreal		
	73	EP 0 465 342 A1	1/8/1992	L'Oreal		Abstract
	74	EP 0 512 879 A2	11/11/1992	L'Oreal		
	75	EP 0 636 358 A1	2/1/1995	L'Oreal		Abstract
	76	EP 0 667 141 A2	8/16/1995	Helene Curtis, Inc.		
	77	EP 0 714 654 A1	6/5/1996	Wella Aktiengesellschaft		
	78	EP 0 726 251 A1	8/14/1996	Wella Aktiengesellschaft		

Examiner Signature		Date Considered	
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INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(Use as many sheets as necessary)

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Sheet	4	of	6	Application Number	09/931,912
				Filing Date	August 20, 2001
				First Named Inventor	Nghi Nguyen
				Art Unit	1751
				Examiner Name	E. Elhilo
				Attorney Docket Number	05725.0593-00000

FOREIGN PATENT DOCUMENTS

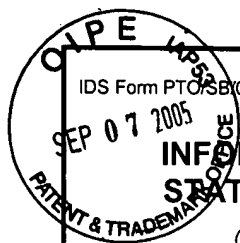
Examiner Initials	Cite No.	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	Translation
		Country Code Number Kind Code (if known)				
	79	GB 1 002 889	9/2/1965	Mead Johnson & Company		
	80	GB 1 281 662	7/12/1972	Wella Aktiengesellschaft		
	81	WO 01/64171 A2	9/7/2001	L'Oreal		
	82	WO 01/74318 A2	10/11/2001	Wella Aktiengesellschaft		Abstract
	83	WO 87/05500	9/24/1987	Wella Aktiengesellschaft		Abstract
	84	WO 89/06122 A	7/13/1989	Repligen Corporation		
	85	WO 93/01791 A	2/4/1993	L'Oreal		Abstract
	86	WO 97/07775	3/6/1997	Johnson Products Co., Inc.		

NON PATENT LITERATURE DOCUMENTS

Examiner Initials	Cite No.	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	Translation
	87	BASF Corporation on-line catalog http://www.basf.com/businesses/consumer/cosmeticingredients/pdfs/ethnic_haircare.pdf	
	88	CLARIANT, "Tylose Water-soluble cellulose ethers", Product range and fields of Application	
	89	English language Derwent Abstract for DE 20 14 628	
	90	English language Derwent Abstract for DE 28 23 243	
	91	English language Derwent Abstract for DE 35 19 463	
	92	English language Derwent Abstract for DE 43 26 974	
	93	English language Derwent Abstract for EP 0 465 342	
	94	English language Derwent Abstract for JP 60021704	
	95	English language Derwent Abstract for JP 76-09013	
	96	Examiner's Answer dated Jun. 13, 2005, in co-pending Application No. 09/838,197 (Attorney Docket No. 05725.0505).	
	97	International Search Report for International Application No. PCT/US01/43193 (Related to Attorney Docket Nos. 05725.0534-00 and 05725.0534-01), July 5, 2002, Examiner Simon.	

Examiner Signature		Date Considered	
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INFORMATION DISCLOSURE STATEMENT BY APPLICANT

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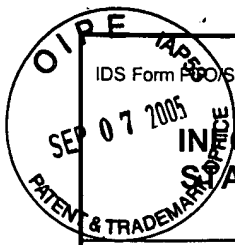
Sheet	5	of	6												
<table border="1"> <tr> <td>Application Number</td> <td>09/931,912</td> </tr> <tr> <td>Filing Date</td> <td>August 20, 2001</td> </tr> <tr> <td>First Named Inventor</td> <td>Nghi Nguyen</td> </tr> <tr> <td>Art Unit</td> <td>1751</td> </tr> <tr> <td>Examiner Name</td> <td>E. Elhilo</td> </tr> <tr> <td>Attorney Docket Number</td> <td>05725.0593-00000</td> </tr> </table>				Application Number	09/931,912	Filing Date	August 20, 2001	First Named Inventor	Nghi Nguyen	Art Unit	1751	Examiner Name	E. Elhilo	Attorney Docket Number	05725.0593-00000
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NON PATENT LITERATURE DOCUMENTS

Examiner Initials	Cite No.	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	Translation
	98	International Search Report for International Application No. PCT/US02/03392 (Related to Attorney Docket No. 05725.0535), May 8, 2002, Examiner Bertrand	
	99	International Search Report for International Application No. PCT/US02/08270 (Related to Attorney Docket No. 05725.0505), August 7, 2002, Ex. Bertrand	
	100	International Search Report for International Application No. PCT/US02/21846 (Related to Attorney Docket No. 05725.0798), November 8, 2002, Ex. Marie	
	101	International Search Report for International Application No. PCT/US02/21848 (Related to Attorney Docket No. 05725.0848), November 25, 2002, Examiner Bertrand.	
	102	Office Action dated Apr. 13, 2004, in co-pending Application No. 09/931,913 (Attorney Docket No. 05725.0848)	
	103	Office Action dated Apr. 28, 2003, in co-pending Application No. 09/931,914 (Attorney Docket No. 05725.0798) (issued as U.S. Patent No. 6,782,895)	
	104	Office Action dated April 12, 2005, in co-pending Application No. 09/789,667 (Attorney Docket No. 05725.0535-00).	
	105	Office Action dated Aug. 6, 2003, in co-pending Application No. 09/838,197 (Attorney Docket No. 05725.0505)	
	106	Office Action dated Dec. 16, 2003, in co-pending Application No. 10/214,942 (Attorney Docket No. 05725.0534-01) (Now issued as U.S. Patent No. 6,792,954)	
	107	Office Action dated Feb. 6, 2003, in co-pending Application No. 09/838,197 (Attorney Docket No. 05725.0505)	
	108	Office Action dated February 5, 2003, in co-pending Application No. 09/789,667 (Attorney Docket No. 05725.0535-00)	
	109	Office Action dated Jul. 22, 2004, in co-pending Application No. 09/838,197 (Attorney Docket No. 05725.0505).	
	110	Office Action dated July 23, 2004, in co-pending Application No. 09/931,913 (Attorney Docket No. 05725.0848)	
	111	Office Action dated July 26, 2004, in co-pending Application No. 09/789,667 (Attorney Docket No. 05725.0535-00).	
	112	Office Action dated July 31, 2003, in co-pending Application No. 09/789,667 (Attorney Docket No. 05725.0535-00).	
	113	Office Action dated Nov. 19, 2004, in co-pending Application No. 09/931,913 (Attorney Docket No. 05725.0848)	
	114	Office Action dated Oct. 27, 2003, in co-pending Application No. 09/931,913 (Attorney Docket No. 05725.0848)	
	115	Office Action dated Sept. 9, 2003, in co-pending Application No. 09/931,914 (Attorney Docket No. 05725.0798) (issued as U.S. Patent No. 6,782,895)	

Examiner Signature		Date Considered	
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IDS Form PTO/SB/08: Substitute for form 1449A/PTO

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STATEMENT BY APPLICANT**

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Application Number	09/931,912
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Art Unit	1751
Examiner Name	E. Elhilo
Attorney Docket Number	05725.0593-00000

Sheet 6 of 6

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	116	Office Action dated September 10, 2002, in co-pending Application No. 09/789,667 (Attorney Docket No. 05725.0535-00)	
	117	Robbins, Clarence R., "Chemical and physical behavior of human hair," pp 124-126, 148-151, and 162-163, Springer (2002).	
	118	Schoon, Douglas D., "Hair structure and chemistry simplified", Revised edition, pp. 191-192, Milady Publishing Co. (1993).	
	119	ZAHN, Helmut, "N,O-Peptidyl shift, disulfide exchange, and lanthionine formation in wool and other proteins containing cystine," Chimia (Switz.) (1961), 15, 378-94,	
	120	Zviak, C., The Science of Hair Care, pp 185-186 (1986).	

Examiner Signature		Date Considered	
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